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SECTION 106

(1) and (2) may be subjected to the custody of this state as unclaimed property unless
one of the following exists:

Note: Corrects spelling in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 107. 177.20 (7) of the statutes is amended to read:

177.20 (7) Property removed from a safe deposit box or other safekeeping repository is received by the administrator subject to the holder's right to be reimbursed for the actual cost of the opening and to any valid lien or contract providing for the holder to be reimbursed for unpaid rent or storage charges and subject to any 3rd party 3rd-party lien. The administrator shall reimburse the holder from the proceeds remaining after deducting the administrator's selling cost.

Note: Corrects spelling in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 108. 177.31 (2) of the statutes is amended to read:

177.31 (2) Any business association that sells in this state its travelers checks, money orders or other similar written instruments, other than 3rd party 3rd-party bank checks on which the business association is directly liable, or that provides such instruments to others for sale in this state, shall, for 3 years after the date the property is reportable, maintain a record of those instruments while they remain outstanding, indicating the state and date of issue.

Note: Corrects spelling in accordance with the Uniform Unclaimed Property Act (1981).

SECTION 109. 178.04 (1) of the statutes is amended to read:

178.04 (1) Except as provided by s. 178.13, persons who are not partners as to each other are not partners as to third 3rd persons.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 110. 178.07 (4) of the statutes is amended to read:

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178.07 (4) Where the title to real property is in the name of one or more or all
the partners, or in a third 3rd person in trust for the partnership, a conveyance
executed by a partner in the partnership name, or in the partner's own name, passes
the equitable interest of the partnership, provided the act is one within the authority
of the partner under s. 178.06 (1).

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 111. 178.34 (1) and (2) of the statutes are amended to read:

178.34 (1) A lien on, or right of retention of, the surplus of the partnership property after satisfying the partnership liabilities to third 3rd persons for any sum of money paid by the party entitled to rescind for the purchase of an interest in the partnership and for any capital or advances contributed by the party entitled to rescind.

(2) To stand, after all liabilities to third 3rd persons have been satisfied, in the place of the creditors of the partnership for any payments made by the party entitled to rescind in respect of the partnership liabilities.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 112. 178.36 (4) of the statutes is amended to read:

178.36 (4) When all the partners or their representatives assign their rights in partnership property to one or more third 3rd persons who promise to pay the debts and who continue the business of the dissolved partnership, creditors of the dissolved partnership are also creditors of the person or partnership continuing the business.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 113. 179.23 (title) of the statutes is amended to read:

179.23 (title) Liability to third 3rd parties.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 114. 180.18	307 (1	L) ((title)	of t	he st	tatutes	is	amended	to	read	l:
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180.1807 (1) (title) NOTICE OF 3RD PARTY 3RD-PARTY OFFER.

Note: Corrects spelling.

SECTION 115. 185.93 (3) of the statutes is amended to read:

185.93 (3) If anything is recovered or obtained as the result of the action, whether by means of a compromise and settlement or by a judgment, the court may, out of the proceeds of the action, award the plaintiff the reasonable expenses of maintaining the action, including reasonable attorneys' attorney fees, and may direct the plaintiff to account to the association for the remainder of such proceeds.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 116. 185.93 (4) of the statutes is amended to read:

185.93 (4) In any action brought in the right of an association by less than 3 per cent of the members or by holders of less than 3 per cent of any class of stock outstanding, the defendants may require the plaintiff to give security for the reasonable expenses of defending such action, including attorneys' attorney fees. The amount of such security may thereafter be increased or decreased in the discretion of the court upon showing that the security provided is or may be inadequate or is excessive.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 117. 186.11 (4) (bh) of the statutes is amended to read:

186.11 (4) (bh) A credit union service organization under par. (a) may provide any service described under par. (b) or approved under par. (bd) through an investment by the credit union service organization in a third-party 3rd-party service provider. The amount that a credit union service organization may invest in a third-party 3rd-party service provider under this paragraph may not exceed the

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amount necessary to obtain the applicable services, or a greater amount if necessary for the credit union service organization to obtain the services at a reduced cost.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 118. 186.113 (5) of the statutes is amended to read:

186.113 (5) THIRD-PARTY CHECKS. Issue third-party 3rd-party checks from an account of a member upon request of the member.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 119. 192.71 of the statutes is amended to read:

192.71 Lands may be sold; proceedings if terms of grant not complied with. Any railroad corporation upon which any lands granted to this state shall have been conferred to aid in the construction of any railroad may sell, assign and transfer the lands so conferred upon it or any portion thereof to any other railroad corporation which shall by law have the right to construct a railroad along and upon the line or any portion of the line upon which such lands are applicable under the grant of this state, upon such terms and conditions as it shall fix; provided, that the corporation receiving such lands shall be bound to construct the part of the line of railroad, to aid in the construction of which the lands were granted to this state, to which the assigned lands are applicable according to the terms of the grant by congress, and to comply fully with all conditions and requirements contained in the act in and by which the state conferred said lands upon said corporation. The terms and conditions of every such transfer shall be embodied in an agreement in writing, which shall be recorded with the department of financial institutions; and provided further, that no such transfer or assignment shall be of any force or effect until two-thirds of the full-paid stockholders of the corporation making the same shall have assented in writing thereto and until such assent shall have been filed with the

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department of financial institutions. Whenever any grant of lands shall have been or shall hereafter be made to any corporation to aid in the construction of a railroad upon condition that such road or any portion thereof shall be completed within the period of time or times fixed or limited by the act or acts making such grant or grants or by any act or acts amendatory thereof, and such corporation shall have failed or shall hereafter fail to complete such railroad or any part or portions thereof within the time or times fixed or limited by such act or acts, it shall be the duty of the attorney general of the state to immediately institute, if the legislature shall not have revoked said grant, proceedings against such corporation in the supreme court of the state to ascertain judicially the facts in the premises, and if it shall appear that such corporation has failed to complete its railway or any portion thereof within the time limited by said act or acts, or has otherwise committed a breach of the condition or conditions upon which said grant was conferred upon it, or of the requirements of said act, judgment shall be entered in behalf of the state forfeiting, vacating and setting aside such grant or grants and annulling all rights and interest of such corporation in and to all lands granted to it and not fully earned and restoring such lands to the state, and such corporation shall thereafter be barred and foreclosed of all rights and interests in or to the lands so adjudged to be forfeited and restored to the state, and of all right to in any manner thereafter acquire the same.

Note: The first comma inserted reinserts a comma that was contained in this provision as created by Chapter 160, Laws of 1872, as codified as section 1858 in the Revised Statutes of 1878, and as amended by Chapter 266, Laws of 1882, but was dropped from section 1858 without legislative action in the Annotated Statutes of 1898. The second comma inserted reinserts a comma that was contained in Chapter 160, Laws of 1872, but was dropped from Chapter 266, Laws of 1882, without apparent reason.

SECTION 120. 196.52 (9) (b) 8. a. of the statutes is amended to read:

196.52 (9) (b) 8. a. The public utility shall have the option, subject to commission approval, to extend the contract, or purchase the electric generating

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facili	ty or the improvements to an electric generating facility, at fair market value
as de	termined by a valuation process that is conducted by an independent third 3rd
party	and that is specified in the contract.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 121. 223.05 (1) (b) of the statutes is amended to read:

223.05 (1) (b) Every security in which trust funds or property are invested shall immediately upon the receipt of the security by the bank, be transferred to the bank in its fiduciary capacity for the particular trust or fund by name and be entered in the proper records as belonging to the particular trust whose funds have been invested in the security. Any change in the investment of trust funds or property shall be fully specified in the account of the particular trust to which it belongs, so that all trust funds and property shall be readily identified at any time by any person.

Note: The stricken language was inserted by 2001 Wis. Act 102 without being underscored. The insertion was unintended.

SECTION 122. 227.53 (1) (intro.) of the statutes is amended to read:

227.53 (1) (intro.) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review of the decision as provided in this chapter and subject to the all of the following procedural requirements:

NOTE: Corrects error in 1999 Wis. Act 85.

SECTION 123. 234.01 (4) (b) of the statutes is amended to read:

234.01 (4) (b) Legal, organizational and marketing expenses, including payment of attorneys' attorney fees, project manager and clerical staff salaries, office rent, and other incidental expenses;

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 124. 254.345 of the statutes is repealed.

Note: By its terms, s. 254.345 has no application after December 31, 2002.

SECTION 125. 281.36 (2) (b) 2. of the statutes is amended to read:

281.36 (2) (b) 2. For purposes of subd. 1., the department shall initially determine whether a complete application has been submitted and, no later than 30 days after the application is submitted, notify the applicant in writing about the initial determination of completeness. If the department determines that the application is incomplete, the notice shall state the reason for the determination and the specific items of information necessary to make the application complete. An applicant may supplement and resubmit an application that the department has determined to be incomplete. There is no limit on the number of times that an applicant may resubmit an application that the department has determined to be incomplete under this subdivision. The department may not demand items of information that are not specified in the notice as a condition for determining whether the application is complete unless both the department and the applicant agree or unless the applicant makes material additions or alterations to the project for which the the application has been submitted.

Note: Deletes repeated word.

SECTION 126. 299.83 (5) (c) 1. b. of the statutes is amended to read:

299.83 (5) (c) 1. b. Determined by the department to be appropriate to the nature, scale, and environmental impacts of the applicant's operations related to to each covered facility or activity.

Note: Deletes repeated word.

SECTION 127. 299.83 (6m) (d) 2. (intro.) of the statutes is amended to read:

299.83 (6m) (d) 2. (intro.) Notwithstanding subd. 1., this state may at any time begin a civil action to collect a forfeiture for a violation if any of the following apply applies:

Note: Corrects grammar.

	Note: Corrects grammar.
1	SECTION 128. 299.85 (7) (b) (intro.) of the statutes is amended to read:
2	299.85 (7) (b) (intro.) Notwithstanding par. (a), this state may at any time begin
3	a civil action to collect a forfeiture not limited in amount under par. (a) 2. or 4. for a
4	violation if any of the following apply applies:
	Note: Corrects grammar.
5	SECTION 129. 301.45 (1g) (intro.) of the statutes is amended to read:
6	301.45 (1g) Who is covered. (intro.) Except as provided in sub. subs. (1m) and
7	(1p), a person shall comply with the reporting requirements under this section if he
8	or she meets one or more of the following criteria:
	Note: 2003 Wis. Act 50 created s. 301.45 (1p), "Exception to registration requirement; expungement of invasion of privacy adjudication or conviction," but the exception was not added as an exception to the general rule, stated in s. 301.45 (1g), in accordance with current drafting style.
9	SECTION 130. 343.12 (7) (c) 6. of the statutes, as created by 2003 Wisconsin Act
10	280, is amended to read:
11	343.12 (7) (c) 6. Felony battery under s. 940.19 (2), (3), (4), (5), or (6).
	Note: 2001 Wis. Act 109 repealed s. 940.19 (3).
12	SECTION 131. 343.16 (1) (b) 3. (intro.) of the statutes is amended to read:
13	343.16 (1) (b) 3. (intro.) At least annually, the department shall conduct an
14	on-site inspection of the 3rd-party tester to determine compliance with the contract
15	and with department and federal standards for testing applicants for commercial
16	driver licenses and with department standards for testing applicants for school bus
17	endorsements. At least annually, the department shall also evaluate testing given
18	by the 3rd-party 3rd party by one of the following means:
	Note: Corrects spelling.

SECTION 132. 346.70 (4) (i) 1. of the statutes is amended to read:

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346.70 (4) (i) 1. As soon as practicable, contact the diplomatic security command center of the office of foreign missions, diplomatic motor vehicle office, within the the federal department of state, to verify the status and immunity, if any, of the driver claiming diplomatic immunity.

Note: Deletes repeated word.

Section 133. 401.202 of the statutes is amended to read:

document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third 3rd party shall be prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third 3rd party.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 134. 402.107 (3) of the statutes is amended to read:

402.107 (3) The provisions of this section are subject to any third party 3rd-party rights provided by the law relating to realty records, and the contract for sale may be executed and recorded as a document transferring an interest in land and shall then constitute notice to third 3rd parties of the buyer's rights under the contract for sale.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 135. 402.305 (1) (c) of the statutes is amended to read:

402.305 (1) (c) The price is to be fixed in terms of some agreed market or other standard as set or recorded by a third 3rd person or agency and it is not so set or recorded.

Note: Makes spelling consistent with current style and the majority of statutes.

Section 136. 402.312 (2) and (3) of the statutes are amended to read:

402.312 (2) A warranty under sub. (1) will be excluded or modified only by
specific language or by circumstances which give the buyer reason to know that the
person selling does not claim title in himself or herself or that the person selling is
purporting to sell only such right or title as the person selling or a third 3rd person
may have.

(3) Unless otherwise agreed a seller who is a merchant regularly dealing in goods of the kind warrants that the goods shall be delivered free of the rightful claim of any third 3rd person by way of infringement or the like but a buyer who furnishes specifications to the seller must hold the seller harmless against any such claim which arises out of compliance with the specifications.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 137. 402.401 (intro.) of the statutes is amended to read:

402.401 Passing of title; reservation for security; limited application of this section. (intro.) Each provision of this chapter with regard to the rights, obligations, and remedies of the seller, the buyer, purchasers, or other third 3rd parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this chapter and matters concerning title become material the following rules apply:

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 138. 402.503 (4) (b) of the statutes is amended to read:

402.503 (4) (b) Tender to the buyer of a nonnegotiable document of title or of a written direction to the bailee to deliver is sufficient tender unless the buyer seasonably objects, and receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third 3rd persons; but risk of loss of the goods and of any failure by the bailee to honor the nonnegotiable document of title

or to obey the direction remains on the seller until the buyer has had a reasonable
time to present the document or direction, and a refusal by the bailee to honor the
document or to obey the direction defeats the tender.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 139. 402.515 (2) of the statutes is amended to read:

402.515 (2) The parties may agree to a third 3rd party inspection or survey to determine the conformity or condition of the goods and may agree that the findings shall be binding upon them in any subsequent litigation or adjustment.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 140. 402.722 (intro.) and (1) of the statutes are amended to read:

402.722 Who can sue third 3rd parties for injury to goods. (intro.) Where a third 3rd party so deals with goods which have been identified to a contract for sale as to cause actionable injury to a party to that contract:

(1) A right of action against the third 3rd party is in either party to the contract for sale who has title to or a security interest or a special property or an insurable interest in the goods; and if the goods have been destroyed or converted a right of action is also in the party who either bore the risk of loss under the contract for sale or has since the injury assumed that risk as against the other;

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 141. 404.203 of the statutes is amended to read:

404.203 Effect of instructions. Subject to to s. 403.420 concerning conversion of instruments and to s. 403.206 concerning restrictive endorsements, only a collecting bank's transferor can give instructions that affect the bank or constitute notice to it and a collecting bank is not liable to prior parties for any action

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taken pursuant to the instructions or in accordance with any agreement with its transferor.

NOTE: Deletes repeated word.

SECTION 142. 407.502 (2) of the statutes is amended to read:

407.502 (2) Subject to s. 407.503, title and rights so acquired are not defeated by any stoppage of the goods represented by the document or by surrender of such goods by the bailee, and are not impaired even though the negotiation or any prior negotiation constituted a breach of duty or even though any person has been deprived of possession of the document by misrepresentation, fraud, accident, mistake, duress, loss, theft or conversion, or even though a previous sale or other transfer of the goods or document has been made to a third 3rd person.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 143. 551.23 (19) (c) 1. (intro.) of the statutes is amended to read:

551.23 (19) (c) 1. (intro.) Unless the cause for disqualification is waived under subd. 2., no exemption under par. (a) is available for the securities of an issuer unless the issuer did not know and in the exercise of reasonable care could not have known that any of the following apply applies to any of the persons described in 17 CFR 230.262 (a), (b), or (c):

Note: Corrects grammar.

SECTION 144. 560.768 (3) (a) (intro.) of the statutes is amended to read:

560.768 (3) (a) (intro.) The department may reduce a limit established under sub. (1) or (2) if the department determines that any of the following apply applies:

Note: Corrects grammar.

SECTION 145. 560.78 (2) (intro.) of the statutes is amended to read:

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560.78 (2) (intro.) Subsection (1) does not apply if, after a hearing, the department, or the local governing body under sub. (3) (a), determines that any of the following apply applies:

Note: Corrects grammar.

SECTION 146. 605.24 (3) (title) of the statutes is amended to read:

605.24 (3) (title) RIGHT OVER AGAINST THIRD 3RD PERSONS.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 147. 645.41 (3) of the statutes is amended to read:

645.41 (3) That the insurer is engaging in a systematic practice of reaching settlements with and obtaining releases from policyholders or third party 3rd-party claimants and then unreasonably delaying payment of or failing to pay the agreed upon settlements;

 $\mbox{\sc Note:}$ Corrects spelling and makes word form consistent with current style and the majority of statutes.

SECTION 148. 645.54 (3) (b) of the statutes is amended to read:

645.54 (3) (b) When liens are superior. A lien obtainable by legal or equitable proceedings could become superior to the rights of a transferee, or a purchaser could obtain rights superior to the rights of a transferee within the meaning of sub. (2), if such consequences would follow only from the lien or purchase itself, or from the lien or purchase followed by any step wholly within the control of the respective lienholder or purchaser, with or without the aid of ministerial action by public officials. Such a lien could not, however, become superior and such a purchase could not create superior rights for the purpose of sub. (2) through any acts subsequent to the obtaining of such a lien or subsequent to such a purchase which require the agreement or concurrence of any third 3rd party or which require any further judicial action, or ruling.

Note: Makes spelling consistent with current style and the majority of statutes.

Section 149. 645.62 (1) (a) 7. of the statutes is amended to read:

645.62 (1) (a) 7. In the case of any 3rd party 3rd-party claim based on a liability policy issued by the insurer, a conditional release of the insured pursuant to s. 645.64 (1).

NOTE: Corrects spelling.

SECTION 150. 645.64 (title) and (1) of the statutes are amended to read:

645.64 (title) Special provisions for third party 3rd-party claims. (1) THIRD PARTYS CLAIM. Whenever any third 3rd party asserts a cause of action against an insured of an insurer in liquidation, the third 3rd party may file a claim with the liquidator. The filing of the claim shall release the insured's liability to the third 3rd party on that cause of action in the amount of the applicable policy limit, but the liquidator shall also insert in any form used for the filing of third party 3rd-party claims appropriate language to constitute such a release. The release shall be void if the insurance coverage is avoided by the liquidator.

Note: Corrects spelling and makes word form consistent with current style and the majority of statutes.

SECTION 151. 645.64 (4) of the statutes is amended to read:

645.64 (4) MULTIPLE CLAIMS. If several claims founded upon one policy are filed, whether by third 3rd parties or as claims by the insured under this section, and the aggregate allowed amount of the claims to which the same limit of liability in the policy is applicable exceeds that limit, each claim as allowed shall be reduced in the same proportion so that the total equals the policy limit. Claims by the insured shall be evaluated as in sub. (3). If any insured's claim is subsequently reduced under sub. (3), the amount thus freed shall be apportioned ratably among the claims which that have been reduced under this subsection.

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Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 152. 645.68 (3) of the statutes is amended to read:

645.68 (3) Loss claims. All claims under policies for losses incurred, including third party 3rd-party claims and federal, state, and local government claims, except the first \$200 of losses otherwise payable to any claimant under this subsection other than the federal government. All claims under life insurance and annuity policies, whether for death proceeds, annuity proceeds, or investment values, shall be treated as loss claims. Claims may not be cumulated by assignment to avoid application of the \$200 deductible provision.

Note: Corrects spelling and makes word form consistent with current style and the majority of statutes.

SECTION 153. 645.72 (1) of the statutes is amended to read:

645.72 (1) Payments to creditors. Subject to ch. 646 and under the direction of the court, the liquidator shall pay dividends as promptly as possible to security funds under sub. (2) and to other creditors in a manner that will assure the proper recognition of priorities and a reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims, including 3rd party 3rd-party claims. Distribution of assets in kind may be made at valuations set by agreement between the liquidator and the creditor and approved by the court.

Note: Corrects spelling.

SECTION 154. 646.13 (1) (b) of the statutes is amended to read:

646.13 (1) (b) Stand in the position of the insurer in the investigation, compromise, settlement, denial, and payment of claims under s. 646.31 and the defense of 3rd party 3rd-party claims against insureds, subject to the limitations of

1 s. 645.43. The fund shall consult and cooperate with the liquidator in carrying out 2 these duties. Note: Corrects spelling. **SECTION 155.** 646.31 (2) (d) of the statutes is amended to read: 3 646.31 (2) (d) Third party Third-party claimants. A claim under a liability or 4 workers' compensation insurance policy, if either the insured or the 3rd party 5 6 <u>3rd-party</u> claimant was a resident of this state at the time of the insured event. NOTE: Corrects spelling. 7 **SECTION 156.** 646.35 (8) (d) (intro.) of the statutes is amended to read: 8 646.35 (8) (d) (intro.) If the fund transfers its obligations to another insurer and 9 the fund and other insurer agree, unless the the fund has previously expressly 10 determined in writing that it will not exercise an election under par. (b), the other 11 insurer succeeds to the rights and obligations of the fund under pars. (b) and (c), 12 regardless of whether the fund has exercised an election under par. (b). If the other 13 insurer succeeds to the fund's rights and obligations under pars. (b) and (c): NOTE: Deletes repeated word. 14 **SECTION 157.** 700.215 (title) of the statutes is amended to read: 15 700.215 (title) Exception for equitable rights of cotenants and third 3rd 16 persons. Note: Makes spelling consistent with current style and the majority of statutes. 17 **SECTION 158.** 700.40 (4) (intro.) of the statutes is amended to read: 18 700.40 (4) VALIDITY OF CONSERVATION EASEMENT. (intro.) A conservation 19 easement is valid even though any of the following apply applies: Note: Corrects grammar.

SECTION 159. 701.19 (11) of the statutes is amended to read:

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701.19 (11) PROTECTION OF THIRD 3RD PARTIES. With respect to a third 3rd person
dealing with a trustee or assisting a trustee in the conduct of a transaction, the
existence of trust power and its proper exercise by the trustee may be assumed
without inquiry. The third 3rd person is not bound to inquire whether the trustee
has power to act or is properly exercising the power; and a third 3rd person, without
actual knowledge that the trustee is exceeding the trustee's powers or improperly
exercising them, is fully protected in dealing with the trustee as if the trustee
possessed and properly exercised the powers the trustee purports to exercise. A $\frac{1}{2}$
3rd person is not bound to assure the proper application of trust property paid or
delivered to the trustee.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 160. 702.05 (3) (title) of the statutes is amended to read:

702.05 (3) (title) Consent of third 3RD persons.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 161. 704.05 (5) (c) (title) of the statutes is amended to read:

704.05 **(5)** (c) (title) *Rights of third <u>3rd</u> persons.*

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 162. 767.25 (4m) (e) 1. of the statutes is amended to read:

767.25 (4m) (e) 1. If a parent who has been ordered by a court to provide coverage of the health care expenses of a child who is eligible for medical assistance under subch. IV of ch. 49 receives payment from a 3rd party for the cost of services provided to the child but does not pay the health care provider for the services or reimburse the department or any other person who paid for the services on behalf of the child, the department may obtain a judgment against the parent for the amount of the 3rd party 3rd-party payment.

Note: Corrects spelling.

SECTION 163. 778.30 (2) (a) 1. of the statutes is amended to read:

778.30 (2) (a) 1. Upon entry of the assignment under sub. (1) (b), unless the court finds that income withholding is likely to cause the defendant irreparable harm, the clerk of circuit court shall provide notice of the assignment by regular mail to the last-known address of the person from whom the defendant receives or will receive money. If the clerk of circuit court does not receive the money from the person notified, the the clerk of circuit court shall provide notice of the assignment to any other person from whom the defendant receives or will receive money. Notice of an assignment under sub. (1) (b) shall inform the intended recipient that, if a prior assignment under sub. (1) (b) has been received relating to the same defendant, the recipient is required to notify the clerk of circuit court that sent the subsequent notice of assignment that another assignment has already been received. A notice of assignment shall include a form permitting the recipient to designate on the form that another assignment has already been received.

Note: Deletes repeated word.

SECTION 164. 802.01 (1) of the statutes is amended to read:

802.01 (1) PLEADINGS. There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party 3rd-party complaint, if a person who was not an original party is summoned under s. 803.05, and a third-party 3rd-party answer, if a third-party 3rd-party complaint is served. No other pleading shall be allowed, except that the court may order a further pleading to a reply or to any answer.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 165. 802.05 (3) (b) (intro.) of the statutes, as affected by Supreme Court Order 03-06, is amended to read:

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802.05 (3) (b) Nature of sanction; limitations. (intro.) A sanction imposed for violation of this rule shall be limited to what is sufficient to deter repetition of such conduct or comparable conduct by others similarly situated. Subject to the limitations in subds. 1. and 2., the sanction may consist of, or include, directives of a nonmonetary nature, an order to pay a penalty into court, or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of some or all of the reasonable attorneys' attorney fees and other expenses incurred as a direct result of the violation subject to all of the following:

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 166. 802.08 (1) of the statutes is amended to read:

802.08 (1) AVAILABILITY. A party may, within 8 months of the filing of a summons and complaint or within the time set in a scheduling order under s. 802.10, move for summary judgment on any claim, counterclaim, cross-claim, or 3rd party 3rd-party claim which is asserted by or against the party. Amendment of pleadings is allowed as in cases where objection or defense is made by motion to dismiss.

Note: Corrects spelling.

SECTION 167. 803.02 (1) of the statutes is amended to read:

803.02 (1) A party asserting a claim to relief as an original claim, counterclaim, cross-claim, or 3rd party 3rd-party claim, may join, either as independent or as alternate claims, as many claims, legal or equitable, as the party has against an opposing party.

Note: Corrects spelling.

SECTION 168. 803.03 (2) (b) 3. of the statutes is amended to read:

803.03 (2) (b) 3. Except as provided in par. (bm), if the party joined chooses to have his or her interest represented by the party who caused the joinder, the party

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joined shall sign a written waiver of the right to participate that shall express consent to be bound by the judgment in the action. The waiver shall become binding when filed with the court, but a party may withdraw the waiver upon timely motion to the judge to whom the case has been assigned with notice to the other parties. A party who represents the interest of another party and who obtains a judgment favorable to the other party may be awarded reasonable attorneys attorney fees by the court.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 169. 803.05 (1) of the statutes is amended to read:

803.05 (1) At any time after commencement of the action, a defending party, as a third-party 3rd-party plaintiff, may cause a summons and complaint to be served upon a person not a party to the action who is or may be liable to the defending party for all or part of the plaintiff's claim against the defending party, or who is a necessary party under s. 803.03. The third-party 3rd-party plaintiff need not obtain leave to implead if he or she serves the third-party 3rd-party summons and third-party 3rd-party complaint not later than 6 months after the summons and complaint are filed or the time set in a scheduling order under s. 802.10; thereafter, the third-party 3rd-party plaintiff must obtain leave on motion upon notice to all parties to the action. The person served with the summons and third-party <u>3rd-party</u> complaint, hereinafter called the third-party <u>3rd-party</u> defendant, shall make defenses to the third-party 3rd-party plaintiff's claim as provided in s. 802.06 and counterclaims against the third-party 3rd-party plaintiff and cross-claims against any other defendant as provided in s. 802.07. The third-party 3rd-party defendant may assert against the plaintiff any defenses which the third-party 3rd-party plaintiff has to the plaintiff's claim. The third-party 3rd-party defendant

may also assert any claim against the plaintiff if the claim is based upon the same transaction, occurrence or series of transactions or occurrences as is the plaintiff's claim against the third-party 3rd-party plaintiff. The plaintiff may assert any claim against the third-party 3rd-party defendant if the claim is based upon the same transaction, occurrence or series of transactions or occurrences as is the plaintiff's claim against the third-party 3rd-party plaintiff, and the third-party 3rd-party defendant thereupon shall assert defenses as provided in s. 802.06 and counterclaims and cross-claims as provided in s. 802.07.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 170. 804.05 (3) (b) 5. of the statutes is amended to read:

804.05 (3) (b) 5. In this subsection, the terms "defendant" and "plaintiff" include officers, directors, and managing agents of corporate defendants and corporate plaintiffs, or other persons designated under sub. (2) (e), as appropriate. A defendant who asserts a counterclaim or a cross-claim shall not be considered a plaintiff within the meaning of this subsection, but a 3rd party 3rd-party plaintiff under s. 803.05 (1) shall be so considered with respect to the 3rd party 3rd-party defendant.

Note: Corrects spelling.

SECTION 171. 805.04 (3) of the statutes is amended to read:

805.04 (3) COUNTERCLAIM, CROSS-CLAIM, AND 3RD-PARTY 3RD-PARTY CLAIM. This section applies to the voluntary dismissal of any counterclaim, cross-claim, or 3rd party 3rd-party claim. A voluntary dismissal by the claimant alone shall be made before a responsive pleading is served, or if there is none, before the introduction of evidence at the trial or hearing.

Note: Corrects spelling.

1	SECTION 172. 805.05 (2) of the statutes is amended to read:
2	805.05 (2) SEPARATE TRIALS. The court, in furtherance of convenience or to avoid
3	prejudice, or when separate trials will be conducive to expedition or economy, or
4	pursuant to s. 803.04 (2) (b), may order a separate trial of any claim, cross-claim,
5	counterclaim, or 3rd party 3rd-party claim, or of any number of claims, always
6	preserving inviolate the right of trial in the mode to which the parties are entitled.
	Note: Corrects spelling.
7	SECTION 173. 805.07 (2) (b) of the statutes is amended to read:
8	805.07 (2) (b) Notice of a third-party 3rd-party subpoena issued for discovery
9	purposes shall be provided to all parties at least 10 days before the scheduled
10	deposition in order to preserve their right to object. If a third-party 3rd-party
11	subpoena requests the production of books, papers, documents, or tangible things
12	that are within the scope of discovery under s. 804.01 (2) (a), those objects shall not
13	be provided before the time and date specified in the subpoena. The provisions under
14	this paragraph apply unless all of the parties otherwise agree.
	Note: Makes spelling consistent with current style and the majority of statutes.
15	SECTION 174. 805.14 (9) of the statutes is amended to read:
16	805.14 (9) Involuntary dismissal of counterclaim, cross-claim, or ${}_{3\text{RD PARTY}}$
17	3RD-PARTY CLAIM. This section applies to counterclaims, cross-claims, and 3rd party
18	3rd-party claims.
	Note: Corrects spelling.
19	SECTION 175. 809.80 (3) (b) 2. of the statutes is amended to read:
20	809.80 (3) (b) 2. Delivered to a third-party 3rd-party commercial carrier for
21	delivery to the clerk within 3 calendar days.
	Note: Makes spelling consistent with current style and the majority of statutes.
22	SECTION 176. 809.80 (4) (a) of the statutes is amended to read:

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SECTION 176

809.80 (4) (a) When a brief or appendix is filed by mail or commercial carrier
in accordance with s. 809.80 (3) (b), the attorney or person filing the document shall
append a certification or affidavit setting forth the date and manner by which the
document was mailed or delivered to a third-party 3rd-party commercial carrier.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 177. 810.11 of the statutes is amended to read:

810.11 Claims of third 3rd parties; indemnity to officer. If the property taken is claimed by a 3rd person, the 3rd person may make application to the judge or judicial officer under ss. 810.02 and 810.03 for an order directing that the 3rd person be given delivery of the property so claimed. Any person having possession of the property may move the court to vacate or modify the order directing delivery to the 3rd party 3rd-party claimant, or post bond in the same manner provided for the defendant.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 178. 822.07 (3) (c) of the statutes is amended to read:

822.07 (3) (c) If substantial evidence concerning the child's present or future care, protection, training, and personal relationships is more readily available in another state:

Note: Corrects punctuation.

SECTION 179. 822.07 (7) of the statutes is amended to read:

822.07 (7) If it appears to the court that it is clearly an inappropriate forum it may require the party who commenced the proceedings to pay, in addition to the costs of the proceedings in this state, necessary travel and other expenses, including attorneys' attorney fees, incurred by other parties or their witnesses. Payment is to be made to the clerk of the court for remittance to the proper party.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 180. 822.08 (3) of the statutes is amended to read:

822.08 (3) In appropriate cases a court dismissing a petition under this section may charge the petitioner with necessary travel and other expenses, including attorneys' attorney fees, incurred by other parties or their witnesses.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 181. 822.15 (2) of the statutes is amended to read:

822.15 (2) A person violating a custody decree of another state which makes it necessary to enforce the decree in this state may be required to pay necessary travel and other expenses, including attorneys' attorney fees, incurred by the party entitled to the custody or his or her witnesses.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 182. 880.75 (2) of the statutes is amended to read:

880.75 (2) Security transactions involving minors; liability. A bank, broker, issuer, third 3rd party, or transfer agent incurs no liability by reason of his or her treating a minor as having capacity to transfer a security, to receive or to empower others to receive dividends, interest, principal, or other payments or distributions, to vote or give consent in person or by proxy, or to make elections or exercise rights relating to the security, unless prior to acting in the transaction the bank, broker, issuer, third 3rd party, or transfer agent had received written notice in the office acting in the transaction that the specific security is held by a minor or unless an individual conducting the transaction for the bank, broker, issuer, third 3rd party, or transfer agent had actual knowledge of the minority of the holder of the security. Except as otherwise provided in this section, such a bank, broker, issuer, third 3rd party, or transfer agent may assume without inquiry that the holder of a security is not a minor.

SECTION 182

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 183. 880.75 (3) of the statutes is amended to read:

880.75 (3) ACTS OF MINORS NOT SUBJECT TO DISAFFIRMANCE OR AVOIDANCE. A minor, who has transferred a security, received or empowered others to receive dividends, interest, principal, or other payments or distributions, voted or given consent in person or by proxy, or made an election or exercised rights relating to the security, has no right thereafter, as against a bank, broker, issuer, third 3rd party, or transfer agent to disaffirm or avoid the transaction, unless prior to acting in the transaction the bank, broker, issuer, third 3rd party, or transfer agent against whom the transaction is sought to be disaffirmed or avoided had received notice in the office acting in the transaction that the specific security is held by a minor or unless an individual conducting the transaction for the bank, broker, issuer, third 3rd party, or transfer agent had actual knowledge of the minority of the holder.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 184. 880.76 (2) of the statutes is amended to read:

880.76 (2) Security transactions involving incompetent or spendthrift; Liability. A bank, broker, issuer, third 3rd party, or transfer agent incurs no liability by reason of his or her treating an incompetent or spendthrift as having capacity to transfer a security, to receive or to empower others to receive dividends, interest, principal, or other payments or distributions, to vote or give consent in person or by proxy, or to make elections or exercise rights relating to the security, unless prior to acting in the transaction the bank, broker, issuer, third 3rd party, or transfer agent had received written notice in the office acting in the transaction that the specific security is held by a person who has been adjudicated an incompetent or a spendthrift or unless an individual conducting the transaction for the bank, broker,

issuer, third 3rd party, or transfer agent had actual knowledge that the holder of the security is a person who has been adjudicated an incompetent or a spendthrift, or actual knowledge of filing of lis pendens as provided in s. 880.215. Except as otherwise provided in this section, such a bank, broker, issuer, third 3rd party, or transfer agent may assume without inquiry that the holder of a security is not an incompetent or spendthrift.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 185. 880.76 (3) of the statutes is amended to read:

880.76 (3) ACTS NOT SUBJECT TO DISAFFIRMANCE OR AVOIDANCE. An incompetent or spendthrift, who has transferred a security, received or empowered others to receive dividends, interest, principal, or other payments or distributions, voted or given consent in person or by proxy, or made an election or exercised rights relating to the security, has no right thereafter, as against a bank, broker, issuer, third 3rd party, or transfer agent to disaffirm or avoid the transaction, unless prior to acting in the transaction the bank, broker, issuer, third 3rd party, or transfer agent against whom the transaction is sought to be disaffirmed or avoided had received notice in the office acting in the transaction that the specific security is held by a person who has been adjudicated an incompetent or a spendthrift or unless an individual conducting the transaction for the bank, broker, issuer, third 3rd party, or transfer agent had actual knowledge that the holder is a person who has been adjudicated an incompetent or a spendthrift, or actual knowledge of filing of lis pendens as provided in s. 880.215.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 186. 880.86 (title) of the statutes is amended to read:

880.86 (title) Exemption of third 3rd person from liability.

SECTION 186

	Note: Makes spelling consistent with current style and the majority of statutes.
1	SECTION 187. 880.865 (title) of the statutes is amended to read:
2	880.865 (title) Liability to third 3rd person.
	Note: Makes spelling consistent with current style and the majority of statutes.
3	SECTION 188. 895.58 (3) of the statutes is amended to read:
4	895.58 (3) Special waste, when used in a public works project, is exempt from
5	regulation as solid waste under ch. 289 if all of the applicable conditions included in
6	the list complied compiled under sub. (2) are met.
	Note: Corrects spelling. The change has been made in the printed volumes.
7	SECTION 189. 905.06 (4) of the statutes is amended to read:
8	905.06 (4) EXCEPTIONS. There is no privilege under this section concerning
9	observations or information that a member of the clergy, as defined in s. 49.981
10	48.981 (1) (cx), is required to report as suspected or threatened child abuse under s.
11	48.981 (2) (bm).
	Note: Inserts correct cross-reference. "Member of the clergy" is defined at s. $48.981(1)(cx)$.
12	SECTION 190. 938.34 (4h) (a) of the statutes is amended to read:
13	938.34 (4h) (a) The juvenile is 14 years of age or over and has been adjudicated
14	delinquent for committing a violation of s. 939.31, 939.32 (1) (a), 940.03, 940.21,
15	940.225 (1), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), 943.32
16	(2), 948.02 (1), 948.025 (1), or 948.30 (2) or the juvenile is 10 years of age or over and
17	has been adjudicated delinquent for attempting or committing a violation of s. 940.01
18	or for committing a violation of s. 940.02 or 940.05.
	Note: Inserts missing "s."
19	SECTION 191. 939.48 (4) of the statutes is amended to read:
20	939.48 (4) A person is privileged to defend a third 3rd person from real or
21	apparent unlawful interference by another under the same conditions and by the

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same means as those under and by which the person is privileged to defend himself or herself from real or apparent unlawful interference, provided that the person reasonably believes that the facts are such that the third 3rd person would be privileged to act in self-defense and that the person's intervention is necessary for the protection of the third 3rd person.

NOTE: Makes spelling consistent with current style and the majority of statutes.

SECTION 192. 940.25 (1m) (a) of the statutes is amended to read:

940.25 (1m) (a) A person may be charged with and a prosecutor may proceed upon an information based upon a violation of any combination of sub. (1) (a), (am), or (b); any any combination of sub. (1) (a), (am), or (bm); any combination of sub. (1) (c), (cm), or (d); or any combination of or sub. (1) (c), (cm), or (e) for acts arising out of the same incident or occurrence.

Note: Deletes repeated word. Conforms punctuation to current style. Corrects placement of "or".

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****NOTE: I think the semi-colons should be restored. They are not contrary to current style and are useful for punctuating a series when some of the members of the series are series themselves. CJS

12 SECTION 193. 942.01 (1) of the statutes is amended to read:

942.01 (1) Whoever with intent to defame communicates any defamatory matter to a third 3rd person without the consent of the person defamed is guilty of a Class A misdemeanor.

SECTION 194. 943.212 (2) (b) 2. of the statutes is amended to read:

943.212 (2) (b) 2. Attorneys Attorney fees under s. 799.25 for actions commenced under ch. 799.

Note: Makes spelling consistent with current style and the majority of statutes.

SECTION 195. 973.195 (1r) (d) of the statutes is amended to read:

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973.195 (1r) (d) If the sentence for which the inmate seek's seeks adjustment
is for an offense under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district
attorney does not object to the petition within 10 days of receiving notice under par.
(c), the district attorney shall notify the the victim, as defined under s. 950.02 (4), of
the inmate's petition. The notice to the victim shall include information on the
sentence adjustment petition process under this subsection, including information
on how to object to the inmate's petition. If the victim objects to adjustment of the
inmate's sentence within 45 days of the date on which the district attorney received
notice under par. (c), the court shall deny the inmate's petition.

Note: Deletes repeated word and corrects spelling.

SECTION 196. 980.101 (3) of the statutes is amended to read:

980.101 (3) An appeal may be taken from an an order entered under sub. (2) as from a final judgment.

Note: Deletes repeated word.

SECTION 197. 2003 Wisconsin Act 327, section 30, is amended by replacing "196.204 (5) (ar) 2. of the statutes, as created by 2003 Wisconsin Act 278, is amended to read:" with "196.204 (5) (ar) 2. (intro.) of the statutes, as created by 2003 Wisconsin Act 278, is amended to read:".

NOTE: This provision only affected s. 196.204 (5) (ar) 2. (intro.).

SECTION 198. 2005 Wisconsin Act 22, section 48 is amended by replacing "45.356 (9) (a) and (b)" with "45.356 (9) (a) or (b)".

Note: Corrects stricken text.

SECTION 199. 2005 Wisconsin Act 22, section 95 is amended by replacing "the Wisconsin Veterans Home at King and the nursing care facility" with "the Wisconsin Veterans Home at King or to the nursing care facility".

Note: Corrects stricken text.

1	SECTION 200. 2005 Wisconsin Act 22, section 98 is amended by replacing ", in
2	the Wisconsin Veterans Home at King and the nursing care facility" with ", in the
3	Wisconsin Veterans Home at King and in the nursing care facility".
	Note: Corrects stricken text.
4	SECTION 201. 2005 Wisconsin Act 22, section 102 is amended by replacing
5	"chiropractic examining board, and board of nursing" with "chiropractic examining
3	board, and board of nursing".
	Note: The comma was inserted without being underscored. The change was intended.